

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-8 and 11-14 are pending in this application. Claims 9 and 10 have been canceled without prejudice or disclaimer. Claim 1 has been amended to better define the concealing unit and its opening area in terms of the temporary concealment of at least one of the plurality of symbols displayed by the variable display unit and a rear side of the front side display unit during a progression of a game and to reintroduce limitations deleted in the last response. Support for the concealment of at least one of the displayed symbols and the rear of the displayed image appears at page 15, line 2-page 16, line 11, of the specification, for example. Claim 14 has been amended to be compatible with the changes made to Claim 1. Accordingly, no new matter has been introduced.

The outstanding Office Action indicates that Claims 1-7, 13, and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Loose et al. (U.S. Publication No. 2002/0175466, Loose), that Claims 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Loose in view of Ozaki et al. (U.S. Publication No. 2001/0031658, Ozaki), and that Claims 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Loose in view of Minoru (JP-08-173591).

Initially, it is noted that the Examiner has indicated that the Japanese reference indicated as item "AO" (Japanese Publication number 2001-190760) was not received with the Information Disclosure Statement (IDS) filed on December 29, 2004. To expedite consideration of this reference a copy thereof and a copy of the corresponding English Abstract are being forwarded with this Amendment. Accordingly, it is respectfully requested that a corrected Form PTO 1449 be provided with the next communication from the United States Patent and Trademark Office (USPTO) that shows proper consideration of item "AO" (Japanese Publication number 2001-190760). Applicants also request a proper

acknowledgement of the references included with the IDS filed on April 20, 2005, as well as the ones filed herewith.

Before considering the outstanding art rejection, it is believed that a brief review of the present invention would be helpful. In this regard, the present invention includes a gaming apparatus with a variable display unit that will variably display a plurality of symbols that is covered by a front side display unit that provides a display of a prescribed while permitting viewing of the symbols displayed by the variable display unit. A concealing unit is also included between the variable display unit and the front side display unit. The concealing unit has an open area and is configured to temporarily conceal at least one of the symbols displayed by the variable display unit and a rear side of the front side display unit during a progression of a game. A stopping signal determiner is provided to internally determine a stopping signal, and a stopping controller stops the varying of display of the variable display unit based on a result of the determination by the stopping signal determiner. The player is awarded a prize if a stopped state displayed on the variable display unit, which is caused by the stopping controller, matches a prescribed stopped state.

Turning to the outstanding rejection of Claims 1-7, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over Loose, it is noted that Loose does not teach or suggest all of the subject matter of amended independent base Claim 1 of this group of claims. For example, amended independent base Claim 1 recites, *inter alia*, “a concealing unit having an opening area, located between the variable display unit and the front side display unit and configured to temporarily conceal at least one of the plurality of symbols displayed by the variable display unit and a rear side of the front side display unit during a progression of a game.”

In order to accomplish this, the disclosed gaming apparatus provides an LCD shutter, for example 502', that has an opening area, for example 3', or a film, for example 520, that

has an opening, for example 530 corresponding to the claimed “concealing unit having an opening area.” The LCD shutter (502’) or film (520) can temporarily conceal at least one of the display symbols (on the reels 3L, 3C, and 3R, for example) and a rear side image of the entertainment images displayed on the LCD panel (501, for example).

On the other hand, Loose teaches (in paragraph [0014]) that video display image 18 can be provided as a direct image by using a flat panel transmissive liquid crystal display (LCD) 14a that is in front of reels 12 (a-c). Loose also teaches an extendable opaque shade concealing this transmissive liquid crystal display (LCD) 14a during a bonus game. However, this opaque shade concealing this transmissive liquid crystal display (LCD) 14a during the bonus game is not taught or suggested to include the amended independent base Claim 1 required “opening area.” Therefore, Loose cannot be said to teach or suggest at least the amended Claim 1 “concealing unit” that must have this “opening area.” See MPEP §2143 that establishes that a basic requirement for a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Accordingly, the rejection of Claims 1-7, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over Loose is traversed because this reference fails to teach or suggest all the subject matter of base independent Claim 1 that is also incorporated into Claims 2-7, 13, and 14 because these claims all ultimately depend on amended base independent Claim 1.

In addition, each of dependent Claims 2-7, 13, and 14 add additional features to the subject matter of amended base independent Claim 1 that are also not taught or suggested by Loose. Accordingly, the rejection of Claims 2-7, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over Loose is traversed for this reason as well.

Turning to the rejection of Claims 8-10 under 35 U.S.C. §103(a) as being unpatentable over Loose in view of Ozaki, it is first noted that the cancellation of Claims 9 and 10 renders this rejection thereof as being moot.

With regard to Claim 8, it is further noted that this claim depends on amended base independent Claim 1 and, therefore, incorporates all of the subject matter thereof. It is also noted that Ozaki does not cure the above-noted deficiencies in Loose because Ozaki also does not teach or suggest all of the subject matter corresponding to the Claim 1 “concealing unit.”

In this last respect, Ozaki teaches an opaque intermediate panel 27 having small openings 27a, 27b, and 27c that correspond to three transparent EL panels 28a, 28b, and 28c. However, the player can see what is inside these small openings 27a, 27b, and 27c through the three transparent EL panels 28a, 28b, and 28c at all times. Therefore, Ozaki fails to teach or suggest the incorporated subject matter corresponding to the Claim 1 “concealing unit” that must have an opening area and be “configured to temporarily conceal at least one of the plurality of symbols displayed by the variable display unit and a rear side of the front side display unit during a progression of a game.”

Accordingly, it is believed that the outstanding rejection applied to Claim 8 is also clearly improper and should be withdrawn because no *prima facie* case of obviousness has been established as to all of the subject matter in common with amended base independent Claim 1.

In addition, Claim 8 adds additional features to the subject matter of amended base independent Claim 1 that are also not taught or suggested by Loose and/or Ozaki considered alone or together in any proper combination. Accordingly, the rejection of Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Loose in view of Ozaki is traversed for this reason as well.

With further regard to the rejection of Claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Loose in view of Minoru, it is noted that these claims also depend on amended base independent Claim 1 and, therefore, incorporates all of the subject matter thereof. It is also noted that Minoru does not cure the above-noted deficiencies in Loose because Minoru also does not teach or suggest all of the subject matter corresponding to the Claim 1 “concealing unit.”

In this last respect, Minoru teaches a main shutter body 4 that will temporarily conceal symbols of the reels 3a and 3b. However, this main shutter body 4 is not taught or suggested to include the amended base independent Claim 1 required opening area that is incorporated into these claims by virtue of their dependency on amended base independent Claim 1. Therefore, Minoru does not cure the deficiencies in Loose and also cannot be said to teach or suggest at least the amended base independent Claim 1 “concealing unit” and this rejection is traversed at least for this reason.

In addition, Claims 11 and 12 add additional features to the subject matter of amended base independent Claim 1 that are also not taught or suggested by Loose and/or Minoru considered alone or together in any proper combination. Accordingly, the rejection of Claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Loose in view of Minoru is traversed for this reason as well.

It is further noted that the USPTO has not acted in accordance with the dictates of MPEP § 706.02II that clearly only permits a non-final Action to contain a rejection relying on the disclosure of an English Abstract associated with a document in a foreign language. The apparent reliance in the outstanding final Action on the English Abstract as to interpreting the teachings of Minoru instead of the required translation is, accordingly, improper. If the PTO is to continue to rely on Minoru, it is respectfully urged to follow MPEP § 706.02II as to

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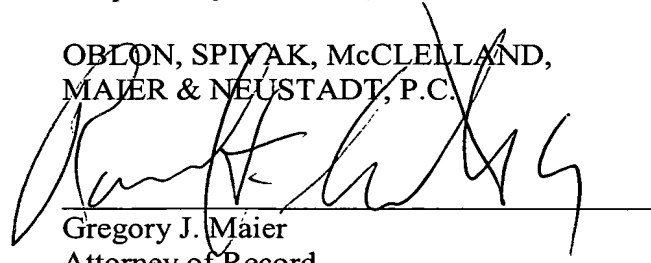
obtaining a translation of the foreign language document and relying on this translation
instead of the English abstract in any subsequent Office Action.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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